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May 3, 2011

Hon. Andrew T. Baxter
United States Magistrate Judge
United States District Court
Northern District of New York
100 S. Clinton Street
P. O. Box 7367
Syracuse, New York 13261-7367

RE: Laskowski, et al. v. Liberty Mutual Fire Insurance Company
Case No. 5:11-CV-340

Dear Judge Baxter:

We represent the Defendant in this matter, which is scheduled for a Rule 16 conference with you tomorrow at 2:00 p.m. Please accept this letter as an amendment to the Civil Case Management Plan.

Under Section I., "Anticipated Issues Requiring Court Intervention", Plaintiffs indicate their intention to request the production of "... its claims files relative to fire loss denials in New York State for the previous seven years." We believe it likely that the Defendant will seek a protective order limiting the Plaintiffs' request for discovery of unrelated claims documentation on the grounds that this case involves the discrete issue of the Defendant's denial of this particular claim.

The Plaintiffs' speculative and conclusory allegations, that the "...Defendant regularly and routinely engages in the practice of avoiding or inordinately delaying the settlement..." of other claims, are insufficient to justify what can only be characterized as a fishing expedition.

Respectfully submitted,


Thomas J. O'Connor

TJO:sbh

cc: Finley T. Harckham, Esq.
Dennis J. Artese, Esq.
Marc T. Ladd, Esq.
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